

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SCOTT MICHAEL GEORGE
DANIELS,

Defendant.

CR 20–46–M–DLC

ORDER

Before the Court is United State Magistrate Judge Kathleen L. DeSoto’s Findings and Recommendation Concerning Plea. (Doc. 27.) Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Mr. Daniels is charged with one count of conspiracy to possess with intent to distribute methamphetamine, in violation of 21 U.S.C. § 846, one count of possession with the intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1), and one count of prohibited person in possession of firearms and

ammunition, in violation of 18 U.S.C. § 922(g)(3). (*See generally* Doc. 9.) Based on Mr. Daniels' appearance before Judge DeSoto, pursuant to Federal Rule of Criminal Procedure 11, she recommends that this Court adjudge him guilty of one count of conspiracy to possess with intent to distribute methamphetamine, in violation of 21 U.S.C. § 846, dismiss the remaining counts, defer acceptance of the Plea Agreement (Doc. 21) until it has reviewed the agreement and the Presentence Investigation Report, and impose the agreed forfeiture against him. (Doc. 27 at 2.) Reviewing these recommendations for clear error, the Court finds none.

Accordingly, IT IS ORDERED that the Court ADOPTS the Findings and Recommendation (Doc. 27) IN FULL.

IT IS FURTHER ORDERED that Mr. Daniels' motion to change plea (Doc. 19) is GRANTED, and he is adjudged guilty of one count of conspiracy to possess with intent to distribute methamphetamine, in violation of 21 U.S.C. § 846.

IT IS FURTHER ORDERED that in light of the United States' Unopposed Motion for Preliminary Order of Forfeiture (Doc. 28), the Court will adjudicate the issue of forfeiture by separate order.

DATED this 5th day of February, 2021.



Dana L. Christensen, District Judge
United States District Court